

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES, :
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- against - : 23-CR-134 (VSB)
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ORDER
DARRYL COHEN, BRIAN GILDER, :
CHARLES BRISCOE, AND CALVIN :
DARDEN, JR., :
:
Defendants. :
:
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VERNON S. BRODERICK, United States District Judge:

I am in receipt of a letter filed by Edward Kim and Vladislav Shafran, dated January 31, 2024, requesting—without any explanation—that I relieve them and appoint Michael Bloch, Benjamin White, and Mark Sedlander as substitute counsel to Mr. Darryl Cohen.¹ (Doc. 105.) Five days later, Messrs. Bloch and Sedlander filed a letter explaining that Mr. Kim was withdrawing from the case because he was “joining the United States Attorney’s Office for the Southern District of New York,” an update Mr. Kim apparently shared with Mr. Cohen in mid-December. (Doc. 110.) In light the proposed substitution of counsel, Messrs. Bloch and Sedlander request, with the Government’s consent, “(i) an extension to August 12, 2024, of the deadline to file pretrial motions, currently set for February 12, 2024, and (ii) an order severing Mr. Cohen’s trial from co-defendant Calvin Darden, Jr.’s trial pursuant to Federal Rule of Criminal Procedure 14.” (Doc. 110.) After reviewing both letters, I am not prepared to grant

¹ In support of his and Mr. Shafran’s request to withdraw, Mr. Kim also filed a Declaration and a Proposed Consent Order Granting Substitution of Counsel. (Doc. 105.)

any of the requested relief at this time. Accordingly, it is hereby:

ORDERED that the status conference on February 27, 2024 is rescheduled to February 21, 2024 at 2:00 p.m. The conference will be in-person at the Thurgood Marshall United States Courthouse, 40 Foley Square, Courtroom 518, New York, NY 10007.

IT IS FURTHER ORDERED that Mr. Kim attend the February 21, 2024 conference and be prepared to discuss his request to withdraw. To facilitate this discussion, Mr. Kim is granted permission to submit an *ex parte* letter under seal, by February 19, 2024, advising me of the timing and circumstances of his discussion with Mr. Cohen concerning his taking a job at the United States Attorney's Office for the Southern District of New York relative to when he applied for or was approached about a job at the United States Attorney's Office for the Southern District of New York.

IT IS FURTHER ORDERED that the Government shall file a letter, by February 19, 2024, explaining (1) why it believes severance is appropriate under Rule 14 of the Federal Rules of Criminal Procedure, including whether or not counsel for Calvin Darden, Jr. was consulted concerning the Government's apparent consent to a severance, and (2) its view on whether the September 16, 2024 trial start date, which was set on August 16, 2023 and is now more than seven months away, provides defense counsel with adequate time to prepare for trial.

IT IS FURTHER ORDERED that counsel for Calvin Darden, Jr. submit a letter by February 19, 2024 stating Mr. Darden's position concerning Mr. Cohen's request for a severance.

IT IS FURTHER ORDERED that at the status conference on February 21, 2024 at 2:00 p.m. Messrs. Bloch, White, and Sedlander shall be prepared to discuss what professional

obligations between now and September 16, 2024 would prevent them from adequately preparing for trial.

SO ORDERED.

Dated: February 15, 2024
New York, New York



Vernon S. Broderick
United States District Judge